IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA CIVIL TRIAL MINUTES

Phoenix Division
HON: NEIL V. WAKE
<u>CV 15-01132-PHX-NVW</u> DATE: <u>12/07/2017</u>
Austin Flake, et al Plaintiff(s) v. Joseph Arpaio, et al Defendant(s)
Deputy Clerk: Rebekka Walder Court Reporter: Laurie Adams
Stephen Montoya and Richard Trujillo with Plaintiffs Austin Flake and Logan Brown Plaintiff(s) counsel
Evan Hiller and Jeffrey Leonard on behalf of Defendants Defense counsel
PROCEEDINGS:/X/JURY TRIAL /_/COURT TRIAL /_/VOIR DIRE /_/JURY SWORN
Trial Day #3 Waiver of Jury trial filed
9:00 a.m. Reconvene. Jury is not present. 9:03 a.m. Jury is present. Plaintiffs' case continued: Detective Marie Trombi is further examined. A portion of Exhibit 2, as indicated on the record, is admitted. 10:42 a.m. Jury is

11:05 a.m. Reconvene. Jury is present. Detective Trombi is further examined. Exhibits 30 and 30a are discussed at sidebar. Exhibit 30a is admitted. 12:20 p.m. Recess.

excused from the courtroom and court remains in session. The Court further examined the witness. 10:43 a.m.

Recess.

- 1:32 p.m. Reconvene. Jury is not present. Mr. Montoya is not present. Discussion held regarding Defendants' Exhibit 30a. 1:46 p.m. Jury is present. Detective Trombi is further examined. 2:10 Mr. Montoya is now present. 3:30 p.m. Recess.
- 3:54 p.m. Reconvene. Jury is present. Detective Trombi is further examined. Witness is excused, subject to recall. Logan Brown is sworn and examined. 5:00 p.m. Jury is excused until 9:00 a.m. on December 12, 2017, and court remains in session.

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Further discussion held regarding Exhibit 30a. The parties are directed to review the exhibit and Plaintiffs shall submit to Defendants their suggested redactions by end of day on December 8, 2017. Trial schedule and witness testimony are discussed. For reasons stated on the record, the Court will exclude the testimony of Dr. Nancy Bradley. The Court will exclude any testimony regarding the second report of Mr. Hogge as irrelevant under Rule 403. Mr. Montoya requests that the Court reinstate Detective Trombi as a defendant in this matter. Request DENIED.

5:23 p.m. Court adjourned until 9:00 a.m. on December 12, 2017.

LATER: Plaintiffs' advise the clerk that the portion of Exhibit 2 admitted on the record shall be re-marked as Exhibit 19.